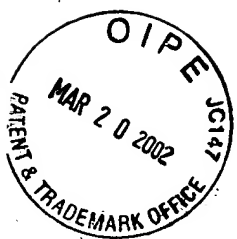


2831

PATENT

Customer No. 22,852

Attorney Docket No. 05788.0154-00000



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Ernesto ZACCONE et al.) Group Art Unit: 2831
)
Serial No.: 09/744,074) Examiner: William H. Mayo III
)
Filed: April 27, 2001)
)
For: HYBRID ELECTRICAL-OPTICAL)
CABLE FOR OVERHEAD)
INSTALLATIONS)

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Assistant Commissioner for Patents
Washington, DC 20231

Sir:

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

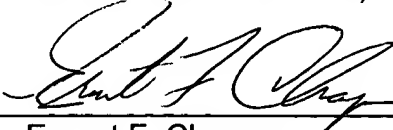
In response to the Notice of Non-compliant Amendment dated February 21, 2002, enclosed is a Corrected Preliminary Amendment with a clean version of the amended claims. A copy of the Notice is also enclosed.

Please associate this Corrected Preliminary Amendment with the patent application filed on April 27, 2001, and assigned Application No. 09/744,074.

If there are any fees due in connection with the filing of this response or the corrected preliminary amendment, please charge the fees to our deposit account no. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

By: 
Ernest F. Chapman
Reg. No. 25,96

Dated: March 20, 2001

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/744,074	04/27/2001	Ernesto Zaccone	05788.0154	2298

7590 02/21/2002

Finnegan Henderson Farabow
Garrett & Dunner
1300 I Street NW
Washington, DC 20005

EXAMINER

MAYO III, WILLIAM H

ART UNIT

PAPER NUMBER

2831

DATE MAILED: 02/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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FINNEGAN, HENDERSON,
FARABOW, GARRETT & DUNNER, LLP.

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Docketed 2-28-02 Attorney ASS
Case 5788 0154
Due Date 3-21-02 - NO EXT
Action RESPONSE
By 3 12-28-02 WA

MAR 07 2002



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
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09/744074

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Paper No.

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment filed on 4-27-01 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on September 8, 2000 (see 65 Fed. Reg. 54603, Sept. 8, 2000, and 1238 O.G. 77, Sept. 19, 2000). In order for the amendment to be compliant, applicant must supply the following omissions or corrections in response to this notice.

THE FOLLOWING ITEMS ARE REQUIRED FOR COMPLIANCE WITH RULE 1.121 (APPLICANT NEED NOT RE-SUBMIT THE ENTIRE AMENDMENT):

- ☐ 1. A clean version of the replacement paragraph(s)/section(s) is required. See 37 CFR 1.121(b)(1)(ii).
- ☐ 2. A marked-up version of the replacement paragraph(s)/section(s) is required. See 37 CFR 1.121(b)(1)(iii).
- ☒ 3. A clean version of the amended claim(s) is required. See 37 CFR 1.121(c)(1)(i).
- ☐ 4. A marked-up version of the amended claim(s) is required. See 37 CFR 1.121(c)(1)(ii).

Explanation: _____

(LIE: Please provide specific details for correction to assist the applicant. For example, "the clean version of claim 6 is missing.")

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/dcom/olia/pbg/sampleaf.pdf>. A condensed version of a sample amendment format is attached.

- ☒ **PRELIMINARY AMENDMENT:** Unless applicant **supplies the omission or correction** to the preliminary amendment in compliance with revised 37 CFR 1.121 noted above within ONE MONTH of the mail date of this letter, examination on the merits may commence without entry of the originally proposed preliminary amendment. This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.
- ☐ **AMENDMENT AFTER NON-FINAL ACTION:** Since the above-mentioned reply appears to be *bona fide*, applicant is given a TIME PERIOD of ONE MONTH or THIRTY DAYS from the mailing of this notice, whichever is longer, within which to **supply the omission or correction noted above** in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

John R. Rte
Legal Instruments Examiner (LIE)